

REMARKS

Reconsideration of the pending application is respectfully requested in view of the foregoing amendments and the following remarks.

Status of the Application

Claims 1-10 are currently pending. No amendments are presented in this response.

Summary of the Final Office Action

The Final Office Action dated June 9, 2008, withdraws the Section 112, second paragraph, rejection.

The Office Action continues by rejecting claims 1-10 are anticipated under 35 U.S.C. § 102(e) are anticipated by U.S. Patent 6,893,797 (Munnelly). The Office Action also rejects these claims as obvious under 35 U.S.C. § 103(a) over U.S. Patent 6,864,040 (Muller).

Discussion

Applicants respectfully request reconsideration of the referenced application in view of the following remarks.

Turning initially to the anticipation rejection, Applicants respectfully submit that the invention as claimed is not anticipated by Munnelly.

The invention provides a heat-sensitive lithographic printing plate precursor. This precursor comprises: (i) a support having a hydrophilic surface or which is provided with a hydrophilic layer and (ii) a coating provided thereon. The coating comprises: (a) an oleophilic layer which comprises a polymer that is soluble in an aqueous alkaline developer and (b) an infrared light absorbing compound according to a particular formula. This formula includes three, four or five solubilizing groups G^1 and G^2 , these groups being anionic or which become anionic in an aqueous alkaline solution having a pH of at least 9.

Munnelly discloses at column 6, line 50, cyanine dyes having the structure of formula A. The different substituting groups are defined therein, but there is no disclosure that the infrared light absorbing compound comprises *inter alia* “three, four or five of the solubilizing groups G^1 or G^2 ” as required by the pending claims. On the contrary column 7, lines 18-23 of Munnelly discloses substituent groups, but fails to disclose an infrared light absorbing

compound comprising solubilizing groups as described in the claimed invention, the latter including *inter alia* “G¹ and G² are solubilizing groups and are anionic or become anionic in an aqueous alkaline solution having a pH of at least 9.” Indeed, Munnelly fails to disclose the use of “three, four or five of the solubilizing groups G¹ or G²” as required by the pending claims.

In specific response to the comments in the Office Action, because “R” in the Munnelly reference is specifically limited to an alkyl or aryl (see col. 7, line 1), R², R^{3a} and R^{3b} will not become anionic in an aqueous alkaline solution having a pH of at least 9. Further, the group NR² will not become anionic in a aqueous alkaline solution having a pH of at least 9. This amine group will not become an ammonium group in an alkaline medium, and will thus is not a solubilizing group as required by the claims of the pending application. This, Applicants submit that there is no question that Munnelly fails to disclose the use of “three, four or five of the solubilizing groups G¹ or G²” as required by the pending claims.

For at least the foregoing reasons, Applicants respectfully request withdrawal of the anticipation rejection of claims 1-10 based on Munnelly et al.

Turing to the obviousness rejection of claims 1-10 over Muller, Applicants respectfully submit that Muller fails to teach or suggest the invention as claimed.

Muller discloses at column 4, line 20, cyanine dyes having the structure of formula A. Various substituent groups are identified, and defined at column 4, lines 30-43 for R¹, R² and R³ and also for the counter anion A⁻. Muller, however, fails to teach that for the groups R¹, R² and R³, there must be 3, 4 or 5 solubilizing anionic groups, *i.e.*, the infrared light absorbing compound comprises *inter alia* “three, four or five of the solubilizing groups G¹ or G², wherein “G¹ and G² are solubilizing groups and are anionic or become anionic in an aqueous alkaline solution having a pH of at least 9,” as required by the pending claims. Indeed, the most preferred embodiment set forth at col. 4, lines 49-58, which one skilled in the art would use as a guide to selecting particular substituents from the laundry list provided by Muller, does not contain “three, four or five solubilizing groups and are anionic or become anionic in an aqueous alkaline solution having a pH of at least 9.”

Moreover, Muller teaches at col. 14, lines 15-18 that the “inventive IR-sensitive compositions are coated from organic solvents or solvent mixtures.” In preparing coating solutions which contain an organic solvent, one skilled in the art would select components

having nonionic substituents, and would not select components having anionic substituent groups. This understanding is consistent with the teaching of the preferred compound taught by Muller, wherein the compound does not include “three, four or five solubilizing groups and are anionic or become anionic in an aqueous alkaline solution having a pH of at least 9.”

In short, the Office Action argument runs contrary to the teaching provided by Muller. It is only by ignoring the aforementioned teaching, and picking and selecting certain substituents using improper hindsight, that one skilled in the art may stumble upon the compound described in the pending claims. Absent hindsight, and following the teaching provided by Muller as described above, one skilled in the art would not obtain the compound described in the pending claims.

For at least the foregoing reasons, Applicants respectfully request withdrawal of the obviousness rejection of claims 1-10 based on Muller et al.

Conclusion

As Applicants believe the application is in proper condition for allowance, the examiner is respectfully requested to pass the application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

/Christopher T. Griffith/

Christopher T. Griffith, Reg. No. 33,392
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6731
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: September 9, 2008